



COUNCIL OF CHIEF STATE SCHOOL OFFICERS

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May 18, 2006

Dr. Henry Johnson
Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
FOB-6
Washington, DC 20202

Dear Henry,

I am writing to bring to your attention an issue that has been raised by several of State Title III directors, assessment specialists, and consultants. It appears that the Title III office has directly or indirectly communicated that the only one of the recently developed English language proficiency assessments will be approved by the Title III office. The particular assessment is the one developed by the WIDA Consortium. We believe that states are getting this "message" because in numerous public appearances, Title III staff has relied on the expertise of consultants associated with only one assessment development consortium (WIDA). These consultants have interpreted the Title III provision that state ELP standards be "aligned" to the content standards in ways that are consistent with the approach used by WIDA. Thus, states believe that there will only be one approached approved by the Title III office. If a state is not a member of the WIDA consortium, their ELP assessment will be rejected.

This creates a major problem for states that are not in the WIDA consortium. States have spent significant financial resources and staff time on the development of the ELP assessments. The USED 6112 Enhance Assessment Grants have not been the sole source of funds for the development of these assessments. Staff at the Council of Chief State School Officers (CCSSO) has communicated this concern to the leadership of Title III office on previous occasions. Although Ms. Leos has noted privately that Title III is not favoring any particular ELP assessment, a public statement has not been generated. In the meantime, states continue to communicate their concerns to CCSSO.

I am requesting that the U.S. Department of Education clarify this issue. Specifically, that if USED does endorse any of the ELP products recently developed by the various assessment development consortia, those products will be judged based on their merits (technical quality). This will help to allay the concern of states regarding this issue.

The following is a statement we received from an assessment consultant, which provides a technical explanation. This information might be useful to your staff as they further investigate the nature of this issue:

Valerie Woodruff, President –Delaware • Elizabeth Burmaster, President–elect- Wisconsin • David Driscoll, Past President-Massachusetts
• Susan Castillo, Director-Oregon • Kathy Cox, Director-Georgia • T. Kenneth James, Director-Arkansas • D. Kent King, Director -Missouri
• Rick Melmer, Director-South Dakota • Wayne G. Sanstead, Director-North Dakota • **G. Thomas Houlihan, Executive Director**

“Title III requires that English language proficiency standards be aligned with challenging state academic content standards and student academic achievement standards described in Title I. This relationship is important in the development of ELP assessments. USED [Title III] has never explained how the linkage between the two sets of standards can be operationalized.

Some states have been very specific, creating ELP standards within the three content domains, with resulting proficiency domain (R, W, S, and L) by content domain standards (e.g., WY, WIDA states). Other states have incorporated content within the proficiency levels for each domain (e.g., SD). Other states have kept the standards focused on academic language proficiency, specifying that proficiency is both in content-based and school/social discourse and create assessments reflecting discourse in the content areas (e.g., ELDA states), and others have connected their ELP standards to ELA standards (e.g., CA).

There are merits to each approach, but the Title III office seems to be leaning towards defining the linkage as requiring specific alignment to academic standards. There are two objections to Title III's apparent (nothing has yet been published as guidance) inclination:

1. States should be able to define their ELP standards in the manner that fits best with their student population and instructional approaches, as long as the goal of attaining ELP is clearly to promote achievement in academic content areas and the standards and test reflect that goal. Most states have made good-faith efforts to do just that, relying on the expertise of their educators and the research on academic language acquisition.
2. The approach OELA seems to be promoting works only if there is a clear separation between the language used in a content area and content-specific knowledge and skills. If content knowledge is assessed in combination with content-related discourse features, students' scores will be confounded. If a student responds incorrectly to an item requiring knowledge of both language features and content, there is no way to tell whether it is because the student lacks the linguistic skills necessary to respond correctly or the content knowledge necessary to respond correctly. That is, such items add construct-irrelevant variance to a student's score and threaten the validity of the inferences that can be made from the test. This is a tough line to draw, and the research base does not yet support methods for clearly distinguishing these skills.”

Thank you for taking the time to read this letter. If you have any questions regarding this matter, please contact Dr. Julia Lara, Deputy Executive Director for State Services and Technical Assistance at CCSSO, and she will direct your staff to the assessment experts that can advise the Title III office regarding the appropriate mechanism for addressing the Title III provision. Dr. Lara can be reached at 202-336-7042 or julial@ccsso.org.

Sincerely yours,



G. Thomas Houlihan
Executive Director

GTH/JL:blv